

Application No.: 09/632,139
Request Dated: February 15, 2006
Reply to Office Action of December 15, 2005

MAT-3720US4

Remarks/Arguments:

Claims 14-15, 17-19, 21-22, 37-40 and 42 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horton (U.S. 4, 945, 563) in view of Yoo (U.S. 5,497,240). This rejection is respectfully traversed for the reasons set forth below.

Applicant's invention, as recited by claim 14, includes a feature which is neither disclosed nor suggested by the art of record, namely:

...recording of said information in said medium is effected
responsive to detection of an identifier in said medium.

As set forth in the previously filed amendment, this feature is supported by the original patent at column 8, line 22, where the original patent discloses the use of an I.D. number associated with a specific medium.

The Official Action acknowledges that Horton does not teach the above feature. Thus, the Official Action combined Horton with Yoo. The Official Action takes the position that Yoo allegedly discloses the above feature. The Official Action supports that argument as follows:

Nevertheless, Yoo discloses a subscriber video library system that detects the identity of a recording medium before recording, in order to determine whether a new or old tape has been inserted, (column 4, lines 28-67, and Fig. 2).

Applicant's claims were specifically amended to include the language "responsive to." The language "responsive to" means that there is a cause and effect relationship between detection of the identifier and recording in the medium. Put another way, recording of the information in the medium is a result of detection of the identifier in the medium.

Applicant's representative has reviewed the Yoo patent at the line numbers set forth in the outstanding Official Action and has not been able to identify the "responsive to" feature

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set forth in Applicant's claims. Yoo discloses that old tapes have I.D. codes and new tapes do not have I.D. codes. Whether or not there is an I.D. code on Yoo's tape, however, Yoo still writes his information onto his medium. Thus, in Yoo, writing of information in his medium is independent of whether or not an I.D. code has been detected.

This is different than Applicant's claimed "responsive to" feature. Applicant writes in his medium as a "response" to detecting an identifier. In Yoo, writing onto the medium is not a "response" to detecting an I.D. code - the writing occurs whether or not the I.D. code is detected.

Accordingly, Applicant's claim 14 is patentable over the art of record.

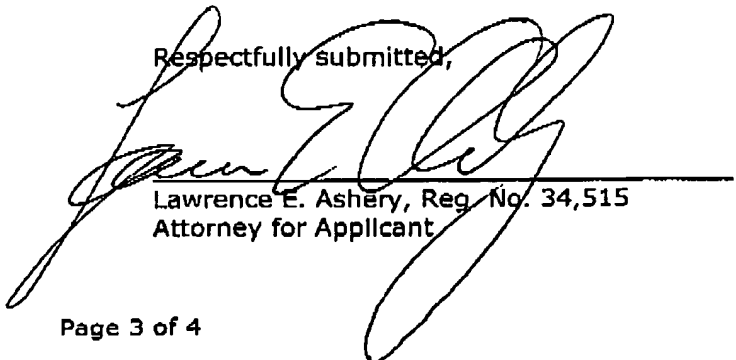
Should the Office disagree with the arguments set forth above, a detailed explanation for that disagreement is respectfully requested, as this would be a key issue should the application go up on appeal.

The remaining independent claims, while not identical to claim 14, are also patentable over the art of record for reasons similar to those set forth above with regard to claim 14. The remaining dependent claims are patentable by virtue of their dependency on allowable independent claims.

Claim 41 has been rejected under 35 U.S.C. § 103(a) as being unpatentable of Horton and Yoo in view of Lindman (U.S. 4,882,752). This claim, however, is patentable by virtue of its dependency on an allowable Independent claim.

In view of the arguments set forth above, the above-identified application is in condition for allowance which action is respectfully requested.

Respectfully submitted,



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Dated: February 15, 2006

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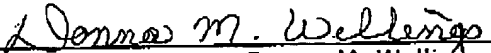
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Donna M. Wellings

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